



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

January 26, 2005

John Orlando, Treasurer  
National Association of Broadcasters  
Television And Radio Political Action Committee  
1771 N Street NW  
Washington, DC 20036

**Response Due Date:**  
**February 25, 2005**

Identification Number: C00009985

Reference: 30 Day Post General Report (10/14/04-11/22/04)

Dear Mr. Orlando:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(a) prohibits a multicandidate committee and its affiliates from making a contribution to a candidate for federal office in excess of \$5,000 per election.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

NATIONAL ASSOCIATION OF BROADCASTERS TELEVISION AND RADIO  
POLITICAL ACTION COMMITTEE  
PAGE 2

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

-Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(a) prohibits a committee from making contributions to another political committee and its affiliates in excess of \$5,000 per calendar year.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have made an excessive contribution, you must notify the recipient and request a refund of the amount in excess of \$5,000. The refund of the excessive amount must be made within sixty (60) days of receipt of the contribution.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund will be taken into consideration.

-The totals listed on Lines 7, 23, 31 and 32, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This

NATIONAL ASSOCIATION OF BROADCASTERS TELEVISION AND RADIO  
POLITICAL ACTION COMMITTEE  
PAGE 3

Period" figure from Column A to derive the correct Column B totals. Please amend your report and any subsequent reports that may be affected by this correction.

-The beginning cash balance of this report should equal the ending balance of your 2004 12 Day Pre General Report (10/01/04-10/13/04). Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.

-Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR §104.7(b)(1))

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The request must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

NATIONAL ASSOCIATION OF BROADCASTERS TELEVISION AND RADIO  
POLITICAL ACTION COMMITTEE  
PAGE 4

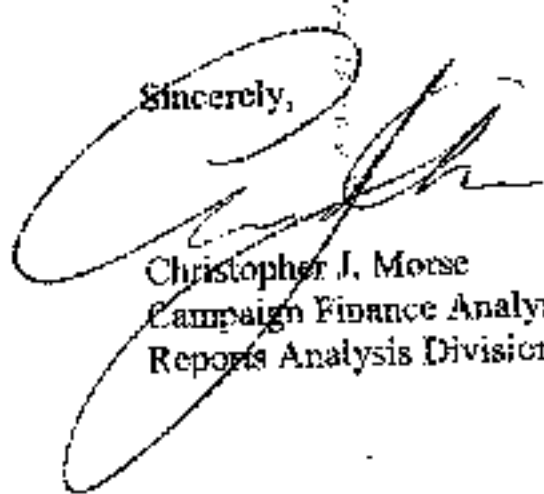
Third, if you receive contributor information after the contribution(s) has been reported, you shall either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR §104.7(b)(4))

Please provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1133.

Sincerely,



Christopher J. Morse  
Campaign Finance Analyst  
Reports Analysis Division.

NATIONAL ASSOCIATION OF BROADCASTERS TELEVISION AND RADIO  
POLITICAL ACTION COMMITTEE  
PAGE 5

## Excessive Contributions to Candidates

| Recipient Name                               | Date     | Amount  | Election | Report                   |
|--|----------|---------|----------|--------------------------|
| Congressman Joe Barton<br>Campaign Committee | 10/01/04 | \$2,000 | General  | 2004 12 Day Pre General  |
| Congressman Joe Barton<br>Campaign Committee | 10/21/04 | \$5,000 | General  | 2004 30 Day Post General |
| Upton For All Of Us                          | 08/02/04 | \$2,000 | General  | 2004 September Monthly   |
| Upton For All Of Us                          | 09/28/04 | \$5,000 | General  | 2004 October Monthly     |
| Upton For All Of Us                          | 10/20/04 | \$250   | General  | 2004 30 Day Post General |
| Friends For Cliff Stearns                    | 10/03/04 | \$4,000 | General  | 2004 12 Day Pre General  |
| Friends For Cliff Stearns                    | 10/14/04 | \$2,000 | General  | 2004 30 Day Post General |
| A Lot Of People Supporting<br>Tom Daschle    | 09/01/04 | \$1,000 | General  | 2004 October Monthly     |
| A Lot Of People Supporting<br>Tom Daschle    | 09/21/04 | \$5,000 | General  | 2004 October Monthly     |
| A Lot Of People Supporting<br>Tom Daschle    | 10/01/04 | \$750   | General  | 2004 12 Day Pre General  |
| A Lot Of People Supporting<br>Tom Daschle    | 10/20/04 | \$750   | General  | 2004 30 Day Post General |

## Excessive Contributions to Another Committee

| Recipient Name     | Date     | Amount  | Election | Report                   |
|--------------------|----------|---------|----------|--------------------------|
| Texas Freedom Fund | 10/01/04 | \$2,500 | Primary  | 2004 12 Day Pre General  |
| Texas Freedom Fund | 10/01/04 | \$500   | Primary  | 2004 12 Day Pre General  |
| Texas Freedom Fund | 10/21/04 | \$5,000 | Primary  | 2004 30 Day Post General |

